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E.O. 12958: DECL: 07/27/2017

TAGS: PGOV PREL AJ

SUBJECT: UPDATE ON FARHAD ALIYEV TRIAL

REF: BAKU 00590

Classified By: Ambassador Anne E. Derse for reasons 1.4 (b, d).

¶1. (SBU) The trial of former Minister of Economic Development Farhad Aliyev and 18 other defendants -- including Farhad's brother, Rafiq -- is continuing at a glacial pace at the Baku-based Court of Grave Crimes. Per reftel, the trial began on May 15 and the proceedings have now passed more than 50 days. This trial is focusing only on the two charges of official corruption and embezzlement. The GOAJ has not commented further as to the timing or modalities of a second trial on coup-planning charges.

¶2. (SBU) Local observers report the trial largely has consisted of a dizzying number of witnesses for the prosecution. The presiding judge, Tofik Pashayev, on July 5 said that over 700 people had testified in the proceedings since May 15. In addition, the indictment against Aliyev is approximately 1,500 pages.

¶3. (SBU) The testimonies of the prosecution's witnesses have focused on two major allegations against Farhad Aliyev. First, he was illegally involved in the purchase of privatization vouchers from Azerbaijani citizens. Second, Farhad Aliyev used his position to gain a controlling share for himself or his cronies in a number of private companies.

¶4. (SBU) One exception to the normally mundane trial proceedings was Aliyev's public claim in July that Minister of Emergency Situations Kamaladdin Heydarov, Minister of Economic Development Heydar Babayev, and Head of the State Property Committee Kerem Hasanova were behind the illegal acquisition of privatization vouchers. Despite the scandalous nature of Aliyev's claim, the story was only briefly covered in local press.

¶5. (SBU) Court and legal observers have noted several procedural violations. On July 19, Aliyev's lawyer, Elton Guliyev, called attention to contradictions among the prosecution's witnesses on the specifics of Aliyev's involvement in illegally acquiring privatization voucher. In addition, one of the prosecution's witnesses admitted that he signed his preliminary investigation statement without reading it. Observers have also noted that the GOAJ is not allowing full access to the trial, despite there being vacant seats in the courtroom. In another episode, the judge was unable to control one of the prosecution's witnesses whose testimony had the courtroom laughing for fifteen minutes. Finally, a local staff lawyer told us the GOAJ has exceeded the legally permitted limit for holding Aliyev in pre-trial detention. (NOTE: Technically, the GOAJ is only allowed to hold Aliyev for a maximum of 18 months, but he has been in detention for 21 months.)

¶6. (C) Jamil Hasanli, the head of the Committee for the Protection of Farhad and Rafiq Aliyev's Rights, told us that the government case lacks solid evidence. Hasanli complained that the government has failed to produce any witnesses that directly reported to Farhad Aliyev while he was the Minister of Economic Development and presumably would have received orders to engage in corrupt schemes. Hasanli also underscored that there have been multiple violations of due process in the trial proceedings.

¶7. (C) Comment: The case appears to be following the Soviet tradition of producing large numbers of witnesses and volumes of evidence, much of which is anecdotal or indirect. Many local contacts do not doubt that Aliyev had illicit dealings, but they highlight the manner in which the government selectively targeted a member of the elite. We will continue monitoring the trial.

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